

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Thanh Quoc Ngo v. Kristi Noem, Pamela Bondi, Todd M. Lyons, Jesus Rocha, and Christopher LaRose

No. 25-CV-2439 TWR (KSC) (S.D. Cal. Oct. 16, 2025) · No. 25-CV-2439 TWR (KSC) · Decided October 16, 2025

SUMMARY

The United States District Court for the Southern District of California orders the respondents to respond to Thanh Quoc Ngo’s 28 U.S.C. § 2241 habeas petition and show cause why further injunctive relief should not issue. The court grants Ngo’s motion for appointed counsel, temporarily restrains removal to any country other than Vietnam while the petition is pending, and sets a show-cause hearing.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Todd W. Robinson
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 16, 2025
DOCKET	25-CV-2439 TWR (KSC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 petition challenging his immigration detention and seeking relief concerning possible removal to a third country, along with motions for appointment of counsel and a temporary restraining order. The district court ordered respondents to respond, appointed counsel, partially granted temporary restraining relief, and set a show-cause hearing.
STANDARD OF REVIEW	The court applied the standard that summary dismissal of a habeas petition is appropriate only when the allegations are vague or conclusory, palpably incredible, or patently frivolous or false. Appointment of counsel was evaluated under the interests-of-justice standard, including the apparent likelihood of success, the petitioner's ability to articulate claims, and the complexity of the legal issues.
PRECEDENTIAL VALUE	nonprecedential interlocutory district-court order

PARTIES

Thanh Quoc Ngo v. Kristi Noem, Pamela Bondi, Todd M. Lyons, Jesus Rocha, Christopher LaRose

TOPICS

immigration detention

federal habeas corpus

injunctions

removal proceedings

immigration

PRACTICE AREAS

immigration law

habeas corpus

injunctive relief

civil procedure

QUESTIONS PRESENTED

1. Whether summary dismissal of Ngo's § 2241 petition was warranted at the preliminary stage.
2. Whether appointment of counsel was appropriate in the interests of justice under 18 U.S.C. § 3006A(a)(2)(B).
3. Whether temporary restraining relief should issue to prevent respondents from removing Ngo to a country other than Vietnam while the petition was pending.
4. Whether respondents should be required to show cause why a temporary restraining order or preliminary or permanent injunction should not issue.

HOLDINGS

1. Summary dismissal was unwarranted at that stage because the petition did not present allegations that were vague or conclusory, palpably incredible, or patently frivolous or false.
2. Appointment of counsel was appropriate in the interests of justice, and Federal Defenders of San Diego, Inc. was appointed to represent Ngo in the habeas proceeding.
3. The motion for a temporary restraining order was granted in part, and respondents were temporarily restrained from removing Ngo to any country other than Vietnam while the petition remained pending.

KEY QUOTATIONS

“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.” (at 1)

“The Court therefore GRANTS Petitioner’s Motion for Counsel (ECF No. 2) and APPOINTS Federal Defenders of San Diego, Inc. to represent him in this habeas proceeding.” (at 2)

“TEMPORARILY RESTRAINS Respondents from removing Petitioner to any country other than Vietnam while the Petition remains pending.” (at 2)

FACTUAL BACKGROUND

Ngo was detained by Immigration and Customs Enforcement and alleged that ICE was detaining him in violation of its regulations concerning notice and an opportunity to be heard. He also alleged that his continued detention implicated *Zadvydas v. Davis* and sought to prevent removal to a third country without an opportunity

to assert fear of persecution or torture before an immigration judge. The court's order temporarily restrained removal to any country other than Vietnam while the petition remained pending.

PROCEDURAL HISTORY

Ngo filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and motions for appointment of counsel and a temporary restraining order. The court determined that summary dismissal of the petition was unwarranted at that stage, required respondents to respond, appointed Federal Defenders of San Diego, Inc., temporarily restrained removal to any country other than Vietnam while the petition remained pending, and scheduled a show-cause hearing.

DISPOSITION

other

CASES CITED

- *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- *Hendricks v. Vasquez*, 908 F.2d 490 (9th Cir. 1990)
- *Phan v. Noem*, No. 25-CV-2422 RBM (MSB) (S.D. Cal. filed Sept. 16, 2025)
- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997)